

Michigan and the US Nuclear Regulatory Commission Agreement State Program

Agreement State Advisory Committee
August 8, 2007

MEETING SUMMARY

1. Reflections on the Informational Meeting

Several new people attended the ASAC meeting. Comments were made on the following general topics:

A. Getting the word out and getting more people involved

- A warm welcome was extended to those attending an ASAC committee meeting for the first time.
- Staff should continue to create opportunities for new people to get involved.
- The informational meeting had a somewhat small attendance, but worth the effort.
- Staff did a good job at the meeting.
- In the future, we should address the outside of the letter to the actual Radiation Safety Officer to ensure the letter reaches the right person.
- The departments should send a newsletter or a fax containing information to people.
- Many of the small hospitals and doctor's offices look to their consultants as the knowledgeable experts about radiation matters. This probably extends to whether Michigan should become an Agreement state. Most administrators and doctors may not have an opinion.
- If someone is not supportive of moving forward, it is their obligation to make their views known.
- A rule of thumb is that 20% of the people do 80% of the work.

B. Small entity discount

At the informational meeting, an owner of a business qualifying for a reduced annual NRC license fee as a small entity noted that small entities would never recoup the 40% annual interim fee assessment under the fee schedule presented. After the agreement becomes effective, the current plan has the small entities paying the same small entity fee assessed by the NRC. Staff will look into various schemes that would allow small entities to recoup the interim fee. An ASAC member recommended that the Committee consider the issue as well.

C. Moving forward

- A press release about the Letter of Intent was recommended.
- The Agreement State initiative should be seen as part of a larger effort to modernize Michigan's radiation safety programs; an effort that includes bringing these programs into conformance with current national consensus standards through statutory and rules revisions, and bringing new efficiencies to the programs by consolidating the programs in a single department.
- The potential for the law of unintended consequences was discussed; i.e. broadening the issue could result in more obstacles to overcome being raised by the larger regulated community.

- Some NRC issues noted:
 - Staff of the U.S. Nuclear Regulatory Commission (NRC) Region III are experienced and do professional inspections.
 - NRC staff in other regions do not enjoy the good reputation Region III staff has developed.
 - The NRC will have a significant staff turnover in the next few years.
 - NRC commissioners have indicated in speeches that, as more states become agreement states, the NRC would like to have every state become an agreement state.

2. Draft Revisions to Part 135 in Act 368 of 1978, Public Health Code

Three draft revisions to sections of Part 135 were distributed and briefly explained.

- Section 13512 created the Radiation Control Fund.
- Section 13522 was modified to clarify portions relevant to radiation machines, and/or radioactive material.
- Section 13523 was modified to align the statute with current requirements of the *Mammography Quality Standards Act of 1992*.

A committee member mentioned that the *Consistency, Accuracy, Responsibility and Excellence in Medical Imaging and Radiation Therapy* (CARE) bills introduced in Congress will have an effect on state programs. Staff will send the most recent version of Part 135 revisions to committee members with the meeting summary.

3. Approach to Rules Revision

The discussion continued on the advantages and disadvantages of adopting, by reference, the NRC regulations versus using the *Suggested States Regulations for the Control of Radiation* (SSRCR).

- Jim Lynch of the NRC had pointed out to staff that at least one other state had adopted 10 CFR by reference and then changed their regulations to the SSRCR after an agreement was in effect.
- Adopting 10 CFR by reference would make the NRC's job easier but may not be the best option for the state.
- Licensees are familiar with 10 CFR and changing to the SSRCR could be difficult for the licensees.
- The NRC regulations have some problems that the states and licensees are trying to change. The experience criteria in the medical regulations was mentioned as an example.

To see how significant the differences are between the CFR and the SSRCR, staff will compare the corresponding sections of the two and forward the results to the committee beginning with 10 CFR 19 and SSRCR Part J that address *Notices, Reports, and Instructions to Workers*.

4. Conclusion

Staff thanked everyone for their participation.

Inspirational Quote from the Meeting
 “Don’t let the perfect get in the way of the good.”